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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,031	06/06/2001	Linda Roskin	Roskin-1	7600

7590

03/06/2002

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EXAMINER

VALENTI, ANDREA M

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/06/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,031

Applicant(s)

ROSKIN, LINDA

Examiner

Andrea M. Valenti

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3643

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

PETER M. POON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

1.) Page 11, second line, 'grin cover' should be --grid cover--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 9-15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,189,261 B1 to Helgeson.

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Regarding Claim 1, Helgeson teaches a grid cover (#10) for engaging and covering the open top of a vase (#12), the grid cover being elastomeric (Col. 1 line 65) and defining a plurality of openings (#24) when engaged with the open top of the vase

Regarding Claim 2, Helgeson teaches that the grid cover conforms to the open top of the vase when engaged with the open top of the vase (Fig. 1).

Regarding Claim 3, Helgeson discloses that the grid cover has a planar top (Fig. 1 #10) surface and a peripheral wall that extends downwardly from the planar top surface (Fig. 1 #26).

Regarding Claim 4, Helgeson teaches a plurality of openings are disposed in the planar top surface (#24).

Regarding Claim 5, Helgeson teaches the plurality of openings are symmetrically disposed throughout the planar top surface (Fig. 2 #20 and #22).

Regarding Claim 6, Helgeson discloses that the plurality of openings are arranged in linear rows and columns (Fig. 2 #20 and #22).

Regarding Claim 7, Helgeson teaches that the plurality of openings are slots that enlarge when the grid cover is stretched (Fig. 2 and Fig. 1).

Regarding claims 9 and 10, Helgeson teaches a grid cover with a circular peripheral shape (Fig. 2) and teaches the grid cover can be any shape (Col. 2 line 38-41) inherently including a polygonal peripheral shape.

Regarding Claim 11, Helgeson discloses a container having an open top end (#12); an elastomeric cover element for covering the open top end (#10), the cover

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element is smaller than the open top end and must be stretched over the open top end, the cover element defining a plurality of openings (Fig. 1 and Col. 3 lines 5-7).

Regarding Claim 12, Helgeson teaches the cover element conforms to the open top of the vase when engaged with the open top of the vase (Fig. 1 and Col. 3 lines 5-7).

Regarding Claim 13, Helgeson teaches the cover element has a planar top (Fig. 1 #10) surface and a peripheral wall (Fig. 1 #26) that extends downwardly from the planar top surface.

Regarding Claim 14, Helgeson discloses a plurality of openings are arranged in linear rows and columns (Fig. 2 #20 and #22).

Regarding Claim 15, Helgeson teaches the plurality of openings are slots that enlarge when the cover element is stretched (Fig. 2 and Fig. 1).

Regarding Claims 17 and 18, Helgeson teaches a grid cover with a circular peripheral shape (Fig. 2) and teaches the grid cover can be any shape (Col. 2 line 38-41) inherently including a polygonal peripheral shape.

Regarding Claim 19, Helgeson teaches a method of preparing a vase for a floral arrangement by providing an elastomeric cover (#10) containing a plurality of openings (#24); stretching the cover over the vase and the cover engages the vase (Col. 3 lines 5-7); and inserting elements of a floral arrangement through the plurality of openings and into the vase (Fig. 1 #16 and #18).

Regarding Claim 20, Helgeson teaches the cover has a planar top surface (Fig. 1 #10) and a peripheral wall (Fig. 1 #26) that extends downwardly from the planar top

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surface and the plurality of openings are arranged in linear rows and columns (Fig. 2 #22 and #20).

Claims 1-7, 9-15, and 17-20 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,142,820 to Aquino.

Regarding Claim 1, Aquino teaches a grid cover (#26) for engaging and covering the open top of a vase (#12), the grid cover being elastomeric (Col. 2 lines 6-10) and defining a plurality of openings (#24) when engaged with the open top of the vase.

Regarding Claim 2, Aquino teaches that the grid cover conforms to the open top of the vase when engaged with the open top of the vase (Fig. 3).

Regarding Claim 3, Aquino discloses that the grid cover has a planar top (Fig. 1 #26) surface and a peripheral wall that extends downwardly from the planar top surface (Fig. 2 #21).

Regarding Claim 4, Aquino teaches a plurality of openings are disposed in the planar top surface (#24).

Regarding Claim 5, Aquino teaches the plurality of openings are symmetrically disposed throughout the planar top surface (Fig. 1 #28 and Fig. 6).

Regarding Claim 6, Aquino discloses that the plurality of openings are arranged in linear rows and columns (Fig. 1 #28).

Regarding Claim 7, Aquino teaches that the plurality of openings are slots that enlarge when the grid cover is stretched (Fig. 1 #28).

Regarding claims 9 and 10, Aquino teaches a grid cover with a circular peripheral shape (Fig. 6) and teaches the grid cover can be any shape (Col. 2 line 16) inherently including a polygonal peripheral shape.

Regarding Claim 11, Aquino discloses a container having an open top end (#12); an elastomeric cover element for covering the open top end (#26), the cover element is smaller than the open top end and must be stretched over the open top end, the cover element defining a plurality of openings (#24 and #28).

Regarding Claim 12, Aquino teaches the cover element conforms to the open top of the vase when engaged with the open top of the vase (Fig. 3 #26).

Regarding Claim 13, Aquino teaches the cover element has a planar top (Fig. 1 #26) surface and a peripheral wall (Fig. 3 #21) that extends downwardly from the planar top surface.

Regarding Claim 14, Aquino discloses a plurality of openings are arranged in linear rows and columns (Fig. 1 #28).

Regarding Claim 15, Aquino teaches the plurality of openings are slots that enlarge when the cover element is stretched (Fig. 1 #28).

Regarding Claims 17 and 18, Aquino teaches a grid cover with a circular peripheral shape (Fig. 6) and teaches the grid cover can be any shape (Col. 2 line 16) inherently including a polygonal peripheral shape.

Regarding Claim 19, Aquino teaches a method of preparing a vase for a floral arrangement by providing an elastomeric cover (#26) containing a plurality of openings (#24); stretching the cover over the vase and the cover engages the vase (Fig. 3); and

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inserting elements of a floral arrangement through the plurality of openings and into the vase (Fig. 1 #22).

Regarding Claim 20, Aquino teaches the cover has a planar top surface (Fig. 1 #26) and a peripheral wall (Fig. 3) that extends downwardly from the planar top surface and the plurality of openings are arranged in linear rows and columns (Fig. 1 #28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,189,261 B1 to Helgeson in view of U.S. Patent No. 2,876,587 to Saks et al.

Regarding Claims 8 and 16, Helgeson teaches the elastomeric grid can be constructed from any type of flexible material, but is silent on the material being translucent. However, Saks et al teaches a vase grid cover for holding plant stems that is translucent (Saks et al Col. 2 line 13-14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Helgeson with the teachings of Saks et al since the modification is merely an aesthetic design choice selected to enhance the appearance of the flora arrangement as taught by Saks et al.

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Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,142,820 to Aquino in view of U.S. Patent No. 2,876,587 to Saks et al.

Regarding Claims 8 and 16, Aquino teaches the elastomeric grid, but is silent on the material being translucent. However, Saks et al teaches a vase grid cover for holding plant stems that is translucent (Saks et al Col. 2 line 13-14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Aquino with the teachings of Saks et al since the modification is merely an aesthetic design choice selected to enhance the appearance of the flora arrangement as taught by Saks et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 1,379,340 and U.S. Patent No. 3,768,685 teach a vase with a rubber cover and aperture for plant stem;

U.S. Patent No. 3,447,262 and U.S. Patent No. 5,758,452 teach a vase with a grid cover;

U.S. Patent No. 5,848,493, Japanese Patent 404190719A, and U.S. Patent No. 4,418,496 teach a vase with a cover and aperture for a plant stem;

U.S. Patent No. 3,170,875 teaches a container with a flexible grid cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-

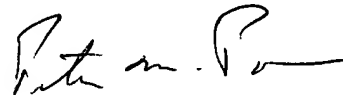
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3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-4195 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

AMV
February 28, 2002



PETER M. POON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600